IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1514 OF 2002

AND

NOTICE OF MOTION NO. 1515 OF 2002

IN

SUM. SUIT NO. 3846 OF 2001

The European Investment Ltd, .. Plaintiff

vs.

M/s. Triumph International
Finance India Ltd., & Ors. .. Defendant.

Mr. C. S. Kapadia i/by Rustomji & Ginwala
for defendant no. 1.
Mr. Sanjay Jain i/by M. Dhru & Co.
for defendants nos. 2, 3 & 4.

CORAM: S.U.KAMDAR, J.

DATE : 29th September, 2005.

P.C.

. Both these motions are initiated for discharging the defendant no. 1 and defendant no. 3 from their undertaking given under the consent terms. The learned advocate for defendant no. 1 has drawn my attention to the fact that in respect of the said undertaking for breach thereof a

contempt petition being Contempt Petition No. 88 of 2002 was filed and the contemnor has been held guilty and fine is imposed. Against the said order the defendant no. 3 has preferred an appeal which is pending. However, I am of the opinion that for the breach of an undertaking the defendants having been already punished, the question of getting the said undertaking discharged at this stage does not arise. Both the motions dismissed as infructuous. No order as to costs.